***HON'BLE SRI JUSTICE P.S. NARAYANA**

+W.P.No.26966 of 2006

% 03-01--2007

1. Teddu Jyothi and another

..... Petitioners

VERSUS

$ 1. Government of Andhra Pradesh,
rep. By its Secretary, Municipal
Administration and Urban Development
Department, Secretariat, Hyderabad.

.....Respondents

< GIST:

> HEAD NOTE:

! **Counsel for petitioners : Sri K.S.Murthy**

^ **Counsel for Respondent No.1: Asst. Government Pleader for Municipal Administration**

Counsel for Respondent No.2: Smt. V.Preethi Reddy, Standing Counsel

? Cases referred
NIL

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26966 of 2006

-

Date: 03rd January 2007

-

Between:
1. Teddu Jyothi, w/o T.Yellajee,
   aged 27 years, r/o D.No.5-4-143,
   Pedajalaripeta, Visakhapatnam-530 017
   and another.

… Petitioners.

And

1. Government of Andhra Pradesh,
   rep. By its Secretary, Municipal
   Administration and Urban Development
   Department, Secretariat, Hyderabad
   and another.

… Respondents.

* * *

ORDER:

The matter appeared in the list on 28.12.2006 and the same was adjourned to 29.12.2006. Learned Assistant Government Pleader for Municipal Administration had taken notice on behalf of R-1. Smt. Preethi Reddy, learned Standing Counsel had taken notice on behalf of R-2 and the learned counsel requested time to

get instructions. This matter is coming up for admission today.

2. The learned Assistant Government Pleader for Municipal Administration would submit that it is true that G.O.Ms.No.420, dated 13.9.2005 had been issued and the same is applicable. However, Smt. Preethi Reddy, learned Standing Counsel representing respondent No.2 would submit that further instructions are required in the matter.

3. Sri K.S.Murthy, learned counsel representing the writ petitioners would submit that the petitioners have no knowledge in English and unless the relevant orders and proceedings are furnished in Telugu, they may not have able to know or follow the contents thereof. In such a way their valuable rights would be affected and in view of the same reasonable time may be given to the respondents to furnish copies of documents and proceedings referred to in Telugu.

4. Heard the counsel.

5. The writ petition is filed for a writ of Mandamus declaring action of the respondents in not issuing the copies of master plan, draft master plans, proposals for extensive modifications and finalized modifications to the master plan and zonal development plans along with annexures and plans in Telugu, as unconstitutional and violative of G.O.Ms.No.420, dated 13.9.2005; and consequently direct the respondents to furnish the information sought by the petitioners in simple Telugu and pass such other suitable orders.

6. The said G.O.Ms.No.420, dated 13.9.2005 reads as hereunder.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

1966 Andhra Pradesh Official Language Act- All the Rules, Regulations issued by State Government shall be in Telugu language as per Section 3(2) ii of the Act- Issued.

GENERAL ADMINISTRATION (AB 1) DEPARTMENT

G.O.Ms.No.420 Dt.13.9.2005

ORDER:

The Government has now decided that all the orders, rules, regulations and special rules shall be in Telugu. As per this the following declaration will be published in Andhra Pradesh Extraordinary Gazette issue dated 30.9.2005.

NOTIFICATION

The Governor of Andhra Pradesh hereby orders that the orders, rules, regulations, special rules issued by the State Government from 13.9.2005 shall be done in Telugu language only as per Section 3(2) ii of Andhra Pradesh Official Language Act, 1966.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.Goel,
Principal Secretary (Services)

To
Director, Printing and Stationery, Chanchalguda, Hyderabad.
(The Director is requested to send the above notification for publication in the A.P. Extraordinary Gazette)
All Principal Secretaries/Secretaries

All Departments (all sections/all officers)
All the District Collectors
Registrar, A.P. High Court, Hyderabad
Secretary, A.P. Public Service Commission, Hyderabad
Commissioner, Information and Public Relations (for press release)

Copy:
Administration Department (Admn.I & II)
Legal Department (E)
PS to Chief Minister
PSs to all ministers/Dy.Ministers)
PS to Director, Official Language Commission

// Forwarded as directed//

R V Lakshmi
Section Officer
M.Raji

Section 3 of Andhra Pradesh Official Languages Act, 1966 reads as hereunder.

"3. **Government's power to notify the Official purposes for which (Telugu and Urdu) to be used:-** (1) The State Government may, from time to time, by notification in the Andhra Pradesh Gazette, direct that the (Telugu and Urdu languages) shall be used for such official purposes of the State and from such date as may be specified in the notification.

(2) [The languages] to be used—

(i)(a) in all Bills to be introduced or amendments thereto to be moved, in either House of the Legislature of the State and in all Acts passed by the legislature of the State;

(b) in all Ordinances promulgated by the Governor of the State under Article 213 of the Constitution and in all the Regulations made by him under paragraph 5 of

the Fifth Schedule to the Constitution';

(ii) in all orders, rules, regulations and bye-laws issued by the State of Government or other authority or officer of the State Government under the Constitution or under any law made by Parliament or the Legislature of the State;

[(iii) in all correspondence between the State Government and any Corporation or Company owned or controlled by the State Government or any officer thereof and in all orders, proceedings, bye-laws and regulations issued by such Corporation or Company.]

Shall be [Telugu and Urdu languages] on and from such date as State Government may, by notification in the Andhra Pradesh Gazette, specify:

Provided that the State Government may specify different dates in respect of different items in [Clauses (i) (ii) and (iii) of this sub-section 3]"—

The importance of the mother tongue, be it Telugu or otherwise, certain proceedings etc., of the public administration to be in such mother tongue especially keeping in view the public interest and the public convenience and inconvenience involved, need not be over emphasized. Unless otherwise the proceedings to be either in English or in Hindi or any other specified language if the public complain that they cannot understand certain proceedings the translated versions are to be furnished, more so when the Government had put its seal of approval to the same by reflecting such expression in the G.O. already referred to supra. It may be for non-Telugu speaking people, there may be some inconvenience.

Emphasis on regional language also cannot be stretched too far for several known reasons. Emphasis on regional language and the National integration may have to be balanced always. Article 343 of the Constitution of India deals with Official language of the Union. Article 344 deals with Commission and Committee of Parliament on official language. Article 345 deals with Official language or languages of a State. Article 346 deals with Official language for communication between one State and another or between a State and the Union. Article 347 deals with Special provision relating to language spoken by a section of the population of a State. Chapter III deals with language of Supreme Court and High Courts etc. Article 348 deals with Language to be used in the Supreme Court and in the High Courts and for Acts, Bills etc. Article 349 deals with Special procedure for enactment of certain laws relating to language. Chapter IV deals with Special directives. Article 350 deals with Language to be used in representations for redress of grievances. Article 350-A deals with Facilities for instruction in mother tongue at primary stage. Article 350-B deals with Special Officer for linguistic minorities. Article 351 deals with Directive for development of the Hindi language. It is needless to say that Eighth Schedule of the Constitution of India specifies the languages. The further details of the Constitutional provisions and the directives mandated by the Constitutional provisions referred to supra need not be dealt with at length in view of the fact that the Government had expressed its intention to carry out the specified proceedings in the official language/Telugu as well reflected from the G.O. specified above.

7. The first petitioner had taken this court through the affidavit filed in support of the writ petition. It is stated that the first petitioner had studied up to 10th class and for the last two years the first petitioner has been working as community based organization (CBO) for the welfare of the fishermen community and he hails from fishermen community and her husband goes to sea for fishing and she has been guiding and encouraging the women from the fishermen community to take up small scale savings and teaching them basic marketing techniques. It is also stated that the women of their community, like the petitioner, are taking up the activity of separating the fish caught in the nets, repairing nets, drying them up and selling them and all this takes place near the seashore. Thus the petitioner is vitally interested in knowing what is happening to the land and places, which are being used by the petitioner and the community of the petitioner for generations.

8. It is also stated that the second petitioner organization has been taking welfare activities for the fishermen and has been active in representing their cause. It is also taking active part in seeing that the seashore is not polluted and not occupied by real estate developers in violation of law. The second petitioner has been representing to the government regarding protection of seashore and in fact the second petitioner filed two writ petitions in this regard. The effected persons would be fishermen community. It is also stated that unless the seashore, sand dues and beaches are protected from encroachments by way of

permanent and temporary structures, the fishermen community will be adversely affected. Thus, the second petitioner organization had been taking up the cause for the protection of its members, who were fishermen, seashore, beaches and sand dues. The president of the second petitioner association has been in the forefront for the struggle launched for protection of the fishermen and has been making representations to obtain master plans and other plans, zonal regulations, in Telugu for the benefit of fishermen community and to themselves welfare.

9. It is also stated that G.O.Ms.No.274, dated 23.5.1989 was issued finalizing the master plan for the Visakhapatnam Urban Area. The Zonal Development Plan for Gajuwaka, Annavaram, Bheemilipatnam, Vijayanagaram were approved later on by different G.Os. The master plan for Visakhapatnam Urban Development Authority Metropolitan Region had been approved as per the provisions of Andhra Pradesh Urban (Areas Development) Act, 1975 in 1989 and it holds the field till the new master plan would come into existence. It is also stated that in December, 2003 the respondent No.2 had sent a letter to the second petitioner organization saying that as part of preparation of new master plan 2021 the comments and suggestions from fishermen community and their representatives were being sought and some of the elderly people of the fishermen community attended the meeting and gave their representations, objections etc. The fishermen were informed that the draft master plan would be circulated. To their shock it was found that it was in English and none of the fishermen could understand it.

10. The second petitioner made a representation on 5.02.2004 asking for Telugu version and sought extension of time to file objections etc., Similar representations were made by Mastyakara Samkshema Samiti (Regd. No.781/2002), National Association of Fishermen (Regd. at New Delhi 10495 of 1978) through its Andhra Pradesh branch and Jala Jana Mastyakara Samkshema Samiti (Regd. No.781/2002) on 11.2.2004 requesting the respondent No.2 to give draft master plan in Telugu in relation to which objections were sought for. The second petitioner made another representation on 16.2.2004 pointing out that when local people were asked suggestions and objections to the draft plan, the draft plan must be made available in the local language. Another representation by S.K.M. Samkshema Samiti was given on 27.2.2004. The draft master plan of 2021 was not made available in Telugu, but some how many people managed to submit objections.

11. It is also stated that the State Government through its General Administration Department had issued G.O.Ms.No.420, dated 13.9.2005 making it clear that all the orders, rules and regulations of the State Government shall be in Telugu language. It is also stated that the respondent had issued G.O.Ms.No.163, dated 10.4.2006 wherein proposals were made to make extensive modifications to the master plan for Visakhapatnam Urban Development Authority and the Metropolitan Region and the zonal development plans. It is also stated that when the writ petitioners came to know about it, representations were made on 29.4.2006 praying for furnishing of material in Telugu. Later on the petitioners

came to know a final G.O.Ms.No.345 made on 30.6.2006 and they could not get the G.O. within time and they came to know that the said G.O. had been issued. It is also stated that there is a revised master plan for the entire Visakhapatnam Metro Region for which all of them made representations and filed objections and suggestions. When the petitioners came to know about G.O.Ms.No.345, the president of the second petitioner organization and the first petitioner made representations dated 23.10.2006 asking for information regarding revised master plan and Visakhapatnam Metro Region Master plan and the objections received etc., The second respondent had issued proceedings dated 31.6.2006 and also 14.11.2006 and these replies were in English. When they are asking for information in Telugu, even the replies were not given in Telugu.

12. It is also further stated that the second petitioner made a comprehensive representation to respondent No.2 on 01.5.2006 requesting for publication of Visakhapatnam Metro Region master plan, notifications and government orders in Telugu and a final representation was made by the first petitioner on 27.11.2006 on the same issue and till this date the authorities have not furnished them relevant copy of the master plan etc., in the language which can be understood. Even as per the G.O.Ms.No.420 the authorities are bound to make available the information sought in Telugu. The inaction of the respondents to submit the notifications and master plan in Telugu is violative of Articles 14 and 21 of the Constitution of India. Every week the authorities come and say that the area

near the sea is being offered for development of tourism etc., and threatening them that they should not use the beaches as the master plan has prohibited the use of beaches by the fishermen.

13. It is also further stated that the fishermen of their area, including the first petitioner, were prevented from going to seashore for development of park. Thus, they have no access to the seashore from their houses in Pedajaralipeta. After lot of difficulty the petitioners learnt that there was a provision made for roads facilitating the approach of the fishermen to the seashore, but this was not disclosed to the petitioners. They never knew about this as all the plans etc., were in English only. Several other factual details also had been narrated in paragraphs 14, 15, 16 and 17 of the affidavit filed in support of the writ petition.

14. In the light of the facts and circumstances inasmuch as there is no serious controversy relating to the applicability of G.O.Ms.No.420, dated 13.9.2005, this Court is of the considered opinion that inasmuch as the respondents are bound to furnish the proceedings, orders of the documents, which had been prayed for by the writ petitioners, the writ petition be disposed of directing the respondents to furnish Telugu version copies of the proceedings, documents etc., which had been prayed for by the petitioners within a period of two months from the date of receipt of a copy of this order.

15. With the above directions, the writ petition is disposed of. No order as to costs.

_____

(P.S.NARAYANA, J.)

Date: January 3, 2007.
BSB

L.R.Copy to be marked